The court has considered the report and recommendation of the United States Magistrate Judge (#19) filed on May 13, 2013, in which the magistrate judge recommends that this court enter an order denying the plaintiff's motion for remand and/or reversal (#15) and granting the defendant's cross-motion for summary judgment (#17). Neither party objected to the report and recommendation. The court has considered the pleadings and memoranda of the parties and other relevant matters of record and has made a review and determination in accordance with the requirements of 28 U.S.C. § 636 and applicable case law, and good

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cause appearing, the court hereby adopts and accepts the report and recommendation of the United States Magistrate Judge (#19).

In accordance with the foregoing, the plaintiff's motion for remand and/or reversal (#15) is hereby **DENIED** and the defendant's cross-motion to affirm (#17) is hereby **GRANTED**.

Howard DMEKiller

UNITED STATES DISTRICT JUDGE

IT IS SO ORDERED.

DATED: This 10th day of June, 2014.